II. Claim Rejections

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kobayakawa et al. (U.S. Patent No. 6,064,338). To be an "anticipation" rejection under 35 U.S.C.§ 102, the reference must teach every element and limitation of the Applicant's claims. Applicant submits that Kobayakawa fails to teach "despreading means for despreading the reception signal using the code calculated by and output directly from said despreading code calculating means."

The Examiner argues that the searcher 3 and Rake receiver 6 allegedly teach the despreading code calculating means. However, the Examiner is completely silent with respect to the despreading means. Claims 1, 2 and 4 recite that the dispreading means despreads the reception signal that is "output directly from" the despreading code calculating means. Assuming *arguendo* that the searcher 3 and the Rake receiver 6 teach the despreading code calculating means as the Examiner has alleged, then, as shown in Fig. 3 of Kobayakawa, there is no despreading means which uses the code calculated by the searcher 3 and Rake receiver 6. The searcher outputs data to an adaptive weight calculating unit 4 which calculates adaptive weights but does not "despread," and thus is not a despreading means. Similarly, Rake receiver 6 outputs data to the base station which uses the received signal as needed, but does not "despread" the data output directly from the Rake receiver 6, and thus, is not a despreading means. Accordingly, based on the Examiner's argument, Kobayakawa fails to teach "despreading means for despreading the reception signal using the code calculated by and output directly from said despreading code calculating means."

In previous office actions, the Examiner has alleged that the despreading means of Kobayakawa is taught by fingers 6_1-6_K found within the Rake receiver 6 and the despreading code calculating means is taught by adaptive weight calculating unit 4. As Applicant has previously explained, the Rake receiver (having a despreading means) does not use the adaptive weight code output directly from the alleged despreading code calculating means (i.e. adaptive weight code unit 4) to despread the reception signal. For example, as shown in Figs. 3 and 5, the adaptive weight code is output, not to the alleged despreading means (i.e. fingers 6_1-6_K), but to the beam formers 5 prior to despreading. *See col. 6:47-52.* The beam formers 5 only use the adaptive weight code to apply amplitude control and phase rotation to the reception signals. The adaptive weight code is then no longer used.

The Examiner has not disputed Applicant's previous argument, but instead the Examiner attempts to sidestep the issue by alleging that the claimed despreading code calculating means is taught by the combination of searcher 3 and Rake receiver 6. However, as explained above, the Examiner's new arguments fails to teach "despreading means for despreading the reception signal using the code calculated by and output directly from said despreading code calculating means."

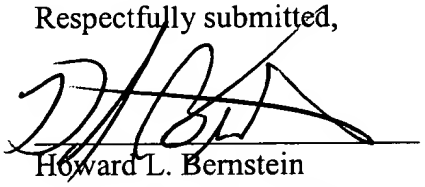
In view of the above, Applicant requests that the rejection of claims 1, 2 and 4 under 35 U.S.C. § 102 be reconsidered and withdrawn.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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